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APR 18 2003

DIRECTOR OFFICE
TECHNOLOGY CENTER 2600

In re application of:)
Louis I. Memran)
Serial Number: 10/002,382)
Filed: October 20, 2001)
For: UTILIZING VACUUM TUBES IN)
COMPUTER AUDIO CIRCUITRY)

DECISION ON PETITION

This is a decision on the petition filed April 10, 2003 under 37 C.F.R. § 1.102(d), to make the above-identified application special.


A grantable petition under 37 CFR 1.102(d) and MPEP 708.02, section II: Infringement, must be accompanied by the required fee and a statement alleging:

- (1) that there is an infringing device or product actually on the market or method in use;
- (2) that a rigid comparison of the alleged infringing device, product, or method with the claims of the application has been made, and that, in his or her opinion, some of the claims are unquestionably infringed; and
- (3) that he or she has made or caused to be made a careful and thorough search of the prior art or has a good knowledge of the pertinent prior art. Further, Applicant must provide one copy of each of the references deemed most closely related to the subject matter encompassed by the claims if said references are not already of record.

The petitioner does not meet requirements 2-3 above. The first requirement is considered implicitly provided by the Applicant's statement that "the motherboard offered by AOPEN.COM since June, 2002 falls within the scope of one or more of the claims of the instant application." A statement to the effect of the second requirement is apparently lacking. Requirement three is lacking, because the Applicant has not provided "one copy of each of the references..." Accordingly, the petition is **DENIED**.

Any request for reconsideration must be filed within TWO MONTHS from the date of this decision.

The application will be forwarded to the Technology Center's central files to await action in its normal turn.


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